

for asset recovery? - - - - - international frameworks

Ans. Asset recovery refers to the acquisition of assets of any individual declared bankrupt.

International framework

Dear Gaurini  
reduce size of the point.

1. Bilateral extradition treaties to send back the person back to the country where he was accused and allowing confiscation of his assets (eg India trying for Vijaya Malaya asset recovery)

\* example should be complete in 4 to 5 words.

2. International court of arbitration → whose decisions on asset recovery obeys eg Cairn vs Indian state case

good that you are leading your points with examples

3. International court of justice - under UN.

4. Mediation based resolution of

disputes on asset recovery  
eg recent Singapore convention

### Challenges concerning effective recovery

1. Lack of monitoring of implementation of bilateral treaties
2. Mistrust and lack of faith among countries
3. Changing nature of crimes - not included in old treaties
4. Lack of cohesiveness and disrespect to the orders of conciliatory commissions

### Way forward

1. Tend to solve

disputes peacefully (Article 51 of India constitution)

2. Abide by ethical principles

3. Universal brotherhood

10 countries must collaborate and co-ordinate for effective asset recovery

Q2 Aristotle observed that written laws cannot be applied precisely...

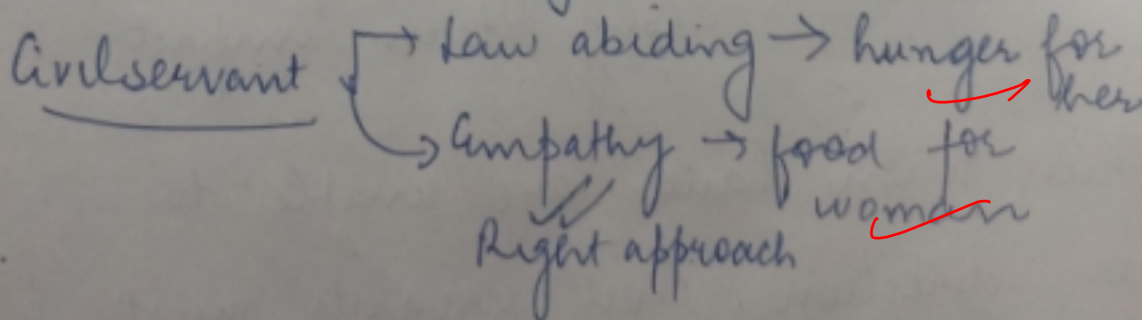
Ans Laws though guide towards a right action but are not all inclusive. Robert Merton mentioned how rules when silent, lead to discretionary use of power

Some of the

Cases to rely on ethics

1. When laws are against the principle of common good

eg law demanding all documents for ration card allocation but a poor old woman missing a document



2. Disaster Management - laws can give general guidance but



in case of a new kind of situation, like in covid-19 pandemic, professional competence will matter

3. Excessive adherence to rules and laws → red tapism

4. Cases where laws are silent eg loopholes in land ceiling act  
Civil servants must apply ethics and aim to take action coherent with aim of law

Professional competence

→ 1. To use one's knowledge to come at conclusion

→ 2. Ability to assess long term impact

Thus, when laws are unable to

U. good give direction, civil servants must be guided by values, which as per 2<sup>nd</sup> ARC are guiding stars